

REMARKS

Status of the Claims

Claims 5 and 6 are pending in this application. Claims 1-3 have been canceled. Claim 5 has been amended to incorporate the subject matter of original claims 1 and 3. No claims have been added. Applicants submit that no new matter has been added by the above claim amendments.

Rejection under 35 USC 102(b)

The Examiner rejects claims 1-3 as anticipated by Inui et al. USP 5,889,095 (Inui '095). Applicants traverse the rejection and respectfully request the withdrawal thereof.

Applicants cancel claims 1-3; thus, this rejection should be withdrawn as moot.

Rejection under 35 USC 103(a)

The Examiner rejects claims 1-3, 5 and 6 as obvious over Inui '095 in view of Crass et al. USP 4,692,837, Wilhelm et al. USP 5,085,916, Bothe et al. USP 4,975,315 or Chatterjee USP 5,922,471. Applicants traverse the rejection and respectfully request the withdrawal thereof.

The present invention is generally directed to a metallized polypropylene resin composition film comprising a metallic

substance layer disposed by deposition on a surface of a film made of a specific polypropylene resin composition containing a specific phosphite. The present invention exhibits an excellent ability to maintain the wetting tension of a metallized surface as compared with conventional metallized films containing conventional phosphite stabilizers other than that defined in the presently claimed invention.

Inui '095 discloses certain phosphites that are the same as those described in the claimed invention. Inui '095 also discloses that the phosphites are incorporated in polypropylene, thereby stabilizing the resin. However, Inui '095 fails to disclose or suggest a resin composition stabilized by the specific phosphites that are applied for metallization so as to form metallized films as in the present invention. Inui '095 also fails to disclose or suggest the significance of metallized films comprising the stabilized polypropylene resin composition films. There is no mention that the resin composition that has been stabilized by the specific substrates will possess the superior property of maintaining the wetting tension of a metallized surface. This property is far superior to the conventional metallized film containing phosphite stabilizers as disclosed in the prior art.

Applicants submit that the secondary references Crass '837, Wilhelm '916, Bothe '315 and Chatterjee '471 each disclose a

polypropylene film having a metal layer or a metallized polypropylene film. The references may also disclose use of phosphites, however the phosphites disclosed in the secondary references are different from the phosphites disclosed in Inui '095. Moreover, none of the secondary references disclose or suggest the superior property of maintaining the wetting tension of a metallized surface by using the specific phosphates of Inui '095.

Therefore, Applicants submit that the Examiner has failed to establish a *prima facie* case of obviousness because one of ordinary skill in the art would not be motivated to arrive at the present invention from the combination of disclosures in the cited art. None of the references discloses or suggests an advantage to making the combination. Applicants submit that the Examiner is using impermissible hindsight to reconstruct the instant invention. The Examiner merely relies on Applicants' own teachings to form the obviousness rejection. The Examiner has taken the instant invention and divided it into parts. The Examiner has found each part in a separate reference. However, neither reference suggests combining the parts to arrive at the instant invention. Such hindsight reconstruction is impermissible according to MPEP 2141 and In re Deminski, 796 F.2d 436, 443 230 USPQ 313, 316 (Fed. Cir. 1986).

Moreover, Applicants submit that the secondary references teach away from using the specific phosphites of the present invention since the secondary references disclose using completely different phosphites. There is no suggestion in the secondary references to utilize the phosphites of the present invention.

Since no motivation exists for combining the references and since the secondary references actually teach away from the disclosure in Inui '095, Applicants submit that the present invention is patentable over the cited references and that the rejection should be withdrawn.

Conclusion

As Applicants have addressed and overcome all rejections in the Office Action, Applicants respectfully request that the rejections be withdrawn and that the claims be allowed.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Kecia Reynolds (Reg. No. 47,021) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Pursuant to the provisions of 37 C.F.R. § 1.17 and 1.136(a), Applicants hereby petition for an extension of three (3) months to

Appl. No. 09/974,050

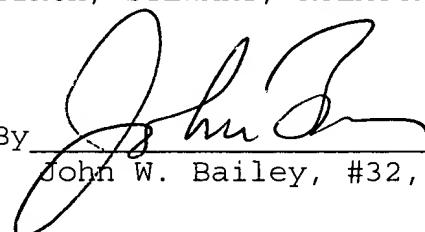
December 10, 2003 for the period in which to file a response to the outstanding Office Action. The required fee of \$950.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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By


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